

REMARKS/ARGUMENTS

Status of the Claims

In the Non-Final Office Action mailed July 7, 2009, claims 1-15, 17, 18, and 20-23 were pending in the application. Claims 1, 8, 15, and 21 are amended. No claims are added or canceled. Therefore, claims 1-15, 17, 18, and 20-23 are present for examination. No new matter has been added by these amendments. Claims 1, 8, 15, and 21 are independent claims. Applicants respectfully request reconsideration of this application as amended.

Specification

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP §608.01(o). Correction of the following is required: “computer-readable medium” is not defined. The claim is amended, rendering this objection moot.

Claim Objections

Claims 9-14 and 23 were objected to because of the following informalities:

- I. As per claim 19-14, “The system” should be corrected as “The communication system.”
- II. As per claim 23, “The communication system” should be corrected as “The communication system endpoint.”

The claims in question have been amended, rendering this objection moot.

Rejections Under 35 U.S.C. §102

Claims 1-11, 14, 15, 17, 18 and 20-23 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2003/0167343 to Furuno (“Furuno”). Applicants respectfully request reconsideration of the rejection because either the Examiner has failed to show a *prima facie* case of anticipation or the amendments overcome the rejection. Indeed, “for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly.” See MPEP § 706.02, Original Eighth Edition, August, 2001, Latest Revision July 2008. “[U]nless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same was as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102.” *Net Moneyin, Inc. v. Verisign, Inc.*, No. 2007-1565 (Fed. Cir. decided October 20, 2008), pp. 17-

18. Further, the prior art reference must disclose the claimed invention “or direct those skilled in the art to the [invention] without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference.” *Id.*, p. 19 (citing *In re Arkley*, 455 F.2d 586, 587 (CCPA 1972)). The Examiner is required to point to the one embodiment describing all the claimed elements as arranged in the claim. And, Furuno simply does not teach each and every aspect of the claims.

Claim 1:

Missing Limitation: “if no response to the keep alive message is received, determining if a registration rejection message is received”

The Examiner cites an embodiment in Furuno as described in conjunction with Fig. 8. Furuno describes as follows:

[0063] (S11) The endpoint 30 discovers its primary gatekeeper 10, exchanging GRQ and GCF messages.

[0064] (S12) The endpoint 30 registers itself with the primary gatekeeper 10, exchanging RRQ and RCF messages.

[0065] (S13) The endpoint 30 also registers itself with a first alternate gatekeeper 20-1, exchanging another set of RRQ and RCF messages.

[0066] (S14) The endpoint 30 requests admission and bandwidth control from the primary gatekeeper 10, exchanging ARQ and ACF messages.

[0067] (S15) The endpoint 30 finds the primary gatekeeper 10 unresponsive.

[0068] (S16) The endpoint 30 registers itself with a second alternate gatekeeper 20-2, exchanging RRQ and RCF messages.

[0069] (S17) The endpoint 30 requests admission and bandwidth control from the first alternate gatekeeper 20-1, exchanging ARQ and ACF messages.

Furuno, ¶¶ [0063]-[0069].

Nowhere in this embodiment described in Furuno is there a mention of a request rejection message. As clearly described in the specification of the present application, the embodiments claimed can forgo reregistering after the CS channel is lost. See Application, pp. 9-10. Furuno does not offer that opportunity. Furuno clearly teaches that “The endpoint 30 registers itself with a second alternate gatekeeper 20-2, exchanging RRQ and RCF messages.” *Furuno*, ¶ [0068]. Thus, Furuno neither teaches nor contemplates determining if a RRQ message is received to force the endpoint to restart the registration process. Furuno simply forces the endpoint to reregister. The embodiments of present application provide the distinct

advantage of being able to avoid reregistering the endpoint after losing the CS signal. For at least this reason, claim 1 is allowable over the cited art.

Missing Limitation: “in response to receiving a registration confirmation message from said second gatekeeper in reply to said keep alive message, establishing a second call signaling channel with said second gatekeeper without restarting registration of the first communication endpoint”

The Examiner cites an embodiment in Furuno as describing this element of claim 1.

The citation to Furuno describes as follows:

[0063] (S11) The endpoint 30 discovers its primary gatekeeper 10, exchanging GRQ and GCF messages.

[0064] (S12) The endpoint 30 registers itself with the primary gatekeeper 10, exchanging RRQ and RCF messages.

[0065] (S13) The endpoint 30 also registers itself with a first alternate gatekeeper 20-1, exchanging another set of RRQ and RCF messages.

[0066] (S14) The endpoint 30 requests admission and bandwidth control from the primary gatekeeper 10, exchanging ARQ and ACF messages.

[0067] (S15) The endpoint 30 finds the primary gatekeeper 10 unresponsive.

[0068] (S16) The endpoint 30 registers itself with a second alternate gatekeeper 20-2, exchanging RRQ and RCF messages.

[0069] (S17) The endpoint 30 requests admission and bandwidth control from the first alternate gatekeeper 20-1, exchanging ARQ and ACF messages.

Furuno, ¶¶ [0063]-[0069].

Furuno clearly teaches that “The endpoint 30 registers itself with a second alternate gatekeeper 20-2, exchanging RRQ and RCF messages.” *Furuno*, ¶ [0068]. Thus, Furuno teaches the very opposite of what is claimed. Namely, claim 1 states that the signaling channel can be created with the second gateway without forcing the endpoint to restart the registration process. In contrast, Furuno simply forces the endpoint to reregister. The embodiments of present application provide the distinct advantage, over Furuno, of avoiding the reregistering of the endpoint after losing the CS signal. For at least this reason, claim 1 is allowable over the cited art.

Claims 2-7:

Claims 2-7 each depend, either directly or indirectly, from allowable independent claim

1. If an independent claim is novel under 35 U.S.C. 102, then, *a fortiori*, any claim depending

therefrom is also novel. *Hartness International, Inc. v. Simplimatic Engineering Co.*, 819 F.2d 1100, 1108 (Fed. Cir. 1987). Therefore, claims 2-7 are also allowable over the cited art due, at least in part, to this dependence on an allowable base claim.

Claim 8:

Claim 8 includes the same or similar limitations to allowable claim 1. For example, claim 8 includes the element: “wherein said second communication link is established after said first communication link is lost and after an exchange of a lightweight RRQ message and an RCF message between said first communication endpoint and said second communication gatekeeper without restarting registration of the first communication endpoint with the second gatekeeper.” Thus, claim 8 is allowable because the cited art does not teach this element of claim 8, similar to what was argued with reference to claim 1.

Claims 9-14:

Claims 9-14 each depend, either directly or indirectly, from allowable independent claim 8. If an independent claim is novel under 35 U.S.C. 102, then, *a fortiori*, any claim depending therefrom is also novel. *Hartness International, Inc. v. Simplimatic Engineering Co.*, 819 F.2d 1100, 1108 (Fed. Cir. 1987). Therefore, claims 9-14 are also allowable over the cited art due, at least in part, to this dependence on an allowable base claim.

Claim 15:

Claim 15 includes the same or similar limitations to allowable claim 1. For example, claim 15 includes the element: “if no response (RCF) to the keep alive message is received, determining if a registration rejection message (RRJ) is received;” and “in response to receiving a RCF message from said second gateway, establishing a second signaling link between said endpoint and said second gateway, wherein said second signaling link supports said first bearer channel comprising a realtime communication.” Thus, claim 15 is allowable because the cited art does not teach these elements of claim 15, similar to what was argued with reference to claim 1.

Claims 17-18 and 20:

Claims 17-18 and 20 each depend, either directly or indirectly, from allowable independent claim 15. If an independent claim is novel under 35 U.S.C. 102, then, *a fortiori*, any claim depending therefrom is also novel. *Hartness International, Inc. v. Simplimatic Engineering Co.*, 819 F.2d 1100, 1108 (Fed. Cir. 1987). Therefore, claims 17-18 and 20 are

also allowable over the cited art due, at least in part, to this dependence on an allowable base claim.

Claim 21:

Claim 21 includes the same or similar limitations to allowable claim 1. For example, claim 21 includes the elements: “if no response to the lightweight RRQ message is received, means for determining if a RRJ message is received” and “if a RCF response is received, means for interconnecting said at least a first communication endpoint means and said first means for controlling aspects of an exchange of data between said communication system endpoint, without restarting the registration process.” Thus, claim 21 is allowable because the cited art does not teach this element of claim 21, similar to what was argued with reference to claim 1.

Claims 22-23:

Claims 22-23 each depend, either directly or indirectly, from allowable independent claim 21. If an independent claim is novel under 35 U.S.C. 102, then, *a fortiori*, any claim depending therefrom is also novel. *Hartness International, Inc. v. Simplimatic Engineering Co.*, 819 F.2d 1100, 1108 (Fed. Cir. 1987). Therefore, claims 22-23 are also allowable over the cited art due, at least in part, to this dependence on an allowable base claim.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in a condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Applicants do not acquiesce to any objection, rejection, or argument not specifically addressed herein. Rather, the Applicants believe the amendments and arguments contained herein overcome all objections, rejections, or arguments.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (303) 863-2987.

Respectfully submitted,

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